

EDWARD P. MANGANO
County Executive



CARNELL FOSKEY
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
One West Street
Mineola NY 11501
(516) 571-3013
Facsimile (516) 571-3058
ascott@nassaucountyny.gov

May 13, 2014

Hon. Leonard D. Wexler
United States District Court
944 Federal Plaza
Central Islip, New York 11722

Re: 201 Jerusalem Ave Massapequa LLC v. Ciena Capital Funding, et al.
13 CV 3568(LDW)(AKT)

201 Jerusalem Ave Massapequa LLC v. Sposato
13 CV 3485 (LDW)(AKT)

Mazzuka et al. v. 201 Jerusalem Ave Massapequa LLC
13 CV 3160 (LDW)(AKT)

201 Jerusalem Ave Massapequa LLC, et al v. Ciena Capital
13 CV 3269 (LDW)(AKT)

AND

Massapequa Manor, Inc., et al. v. Ciena Capital LLC, et al.
13 CV 3733 (LDW)(WDW)

Dear Judge Wexler:

Due to the various voluntary dismissals filed in these proceedings, the Office of the County Attorney represents the remaining County Defendants in these actions, namely, Michael J. Sposato, Elizabeth Loconsolo, the County of Nassau, as well as the "Nassau County Sheriff's Department." The County Defendants are only named in the first, second and fifth actions referenced above.

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This office has received the letter from the attorney representing Forchelli, Curto dated May 12, 2014 and adopts the request for relief stated. Plaintiffs should be required to serve Amended Complaints in each of these actions as required by the Court's Order of October 10, 2013. It is only by receiving such amended complaints that the defendants represented by this office can address the Plaintiff's claims, their invocation of the Court's jurisdiction and whether or not motions to dismiss the amended complaints will be warranted.

Judge Tomlinson has issued an Order on May 7, 2014, directing the parties to appear for a status conference on May 28, 2014. However, the orders only addressed the first four referenced actions and not the fifth, which has already been treated as a related matter in the October 10, 2013 Order.

The fifth action to which reference is made (Massapequa Manor 13 CV 3733) should be consolidated with at least the first referenced action. While the plaintiffs are not identical, the two Complaints make nearly identical allegations against the Defendants. There are certainly common questions of law and consolidation would avoid unnecessary costs or delay. Stated differently, the risks of prejudice or possible confusion are overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses, and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.

Thus it appears that consolidation or "related matter" status for the Massapequa Manor matter is warranted and appropriate.

In conclusion, we join in the request for relief made by Mr. Stark in his May 12, 2014 letter, or in the alternative, that plaintiffs be compelled to file Amended Complaints stating the causes of action as well as the basis for federal court jurisdiction, to which the defendants

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may respond as they deem fit. Additionally, the County Defendants request that any rulings made pertaining to the first four listed actions apply with equal force to the Massapequa Manor action as a related case.

Very truly yours,



Andrew R. Scott
Deputy County Attorney

cc: All Counsel *via ECF*